

**RULES
OF
THE STATE BOARD OF EDUCATION
CHARTER SCHOOLS**

**CHAPTER 0520-14-2
RULES OF PROCEDURE FOR COMMISSIONER REVIEW
OF CHARTER SCHOOL WAIVER REQUESTS**

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0520-14-2-.01 PURPOSE AND SCOPE.

- (1) Pursuant to T.C.A. § 49-1-201(c) (20) (C), the commissioner may prepare and promulgate, without state board of education approval, such rules and regulations as are solely necessary for the administrative operation and functions of the department; however, this authority shall not supersede the powers of the state board of education in policy matters and may be used only in performance of the commissioner's administrative responsibilities.
- (2) These rules implement the provisions of Tennessee Code Annotated, § 49-13-105, of the Tennessee Public Charter Schools Act of 2002, permitting a sponsor of a proposed charter school to apply to either the local education agency or to the commissioner of education for a waiver of any state board rule or statute that inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement. The commissioner of education shall apply the following rules and regulations in considering charter school waiver requests.

Authority: T.C.A. §§49-1-201(c)(20)(C) and 49-13-105. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004.

0520-14-2-.02 REQUIREMENTS FOR REQUESTING WAIVERS.

- (1) All waiver requests shall be submitted in writing to the commissioner by the sponsor of the proposed charter school no later than sixty (60) days prior to the school's intention to implement the waiver, if granted.
- (2) All waiver requests shall include a listing of the specific state board rule or statute requested to be waived.
- (3) All waiver requests shall include the missions and goals of the charter school as contained in the application filed with the local board of education pursuant to T.C.A. § 49-13-107.
- (4) All waiver requests shall include detailed documentation of the grounds for requesting the waiver and specific evidence showing how the state board rule or statute currently inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement.
- (5) All waiver requests filed with the commissioner of education shall contain information on other waiver requests filed with a local board of education including the status of those waiver requests.

Authority: T.C.A. §§49-1-201(c)(20)(C), 49-13-105, and 49-13-107. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004.

0520-14-2-.03 COMMISSIONER'S REVIEW OF WAIVER REQUESTS.

- (1) Incomplete requests (requests not containing the information listed under Rule 0520-14-2-.02(1) through (5) above), shall not be considered.
- (2) The commissioner may request additional information to supplement a completed request. Additional information shall be requested by the commissioner within 2 days of receiving the request from the sponsor.
- (3) The commissioner shall take action on all waiver requests within ten (10) days of receipt of the request unless the commissioner has requested additional information from the sponsor.
- (4) In the event the commissioner requests additional information, the commissioner shall take action on the waiver request within ten (10) days from the receipt of the additional information.

Authority: T.C.A. §§49-1-201(c)(20)(C) and 49-13-105. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004.

0520-14-2-.04 CRITERIA FOR GRANTING WAIVER REQUESTS.

- (1) All waivers shall be granted for one academic year and may be renewed annually by filing a new request pursuant to the above listed procedure.
- (2) Pursuant to T.C.A. § 49-13-105(b), the commissioner shall not waive regulatory or statutory requirements related to:
 - (a) Federal and state civil rights;
 - (b) Federal, state, and local health and safety;
 - (c) Federal and state public records;
 - (d) Immunizations;
 - (e) Possession of weapons on school grounds;
 - (f) Background checks and fingerprinting of personnel;
 - (g) Federal and state special education services;
 - (h) Student due process;
 - (i) Parental rights;
 - (j) Federal and state student assessment and accountability;
 - (k) Open meetings; and
 - (l) At least the same equivalent time of instruction as required in regular public schools.
- (3) The commissioner shall not consider requests for waivers of the enrollment eligibility limitations contained in T.C.A. § 49-13-106.

Authority: T.C.A. §§49-1-201(c)(20)(C) and 49-13-105. **Administrative History:** Original rule filed November 26, 2003; effective March 29, 2004.